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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,452	10/31/2003	Frances Jiang	20-3-2-19	2851

7590 08/23/2005

Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

EXAMINER

EWART, JAMES D

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/699,452

Applicant(s)

JIANG ET AL.

Examiner

James D. Ewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,2,5-9,10,11, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ament (U.S. Patent Publication No. 2004/0105436) and further in view of Bender et al. (U.S. Patent No. 6,366,779).

Referring to claims 1 and 10, Ament teaches a method of communication comprising: transmitting at least one message comprising delay information corresponding with a delay length associated with accessing a service (0021 and 0043), but does not teach accessing a service through an open loop network. Bender et al teaches accessing a service through an open loop network (Column 1, Lines 42-44, Column 2, Lines 59-61 and Column 4, Lines 24-28). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Ament with the teaching of Bender et al of accessing a service through an open loop network to rapidly assign traffic channels (Column 4, Line 15).

Referring to claims 2 and 11, Ament further teaches wherein the delay length comprises at least one time interval between a first instant corresponding with a received service request (0043) and a second instant corresponding with granting service access (0043). The time interval is equated with the length of the waiting time.

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Referring to claims 5 and 14, Ament further teaches wherein the delay length corresponds with at least one of traffic congestion, channel condition, system loading (0021 and 0043), processor occupancy, queuing delay, and scheduler delay.

Referring to claims 6 and 15, Bender et al further teaches wherein the open loop network comprises at least one of a wireline network and a wireless network (Column 1, Lines 8-12).

Referring to claims 7 and 16, Ament further teaches comprising: collecting information corresponding with at least one parameter associated with service access (0021 and 0043).

Referring to claim 8, Ament further teaches comprising: determining at least one pattern associated with the at least one parameter (0021 and 0043).

Referring to claims 9 and 17, Ament further teaches wherein the at least one parameter comprises at least one of traffic, channel condition, and service demand (0021).

2. Claims 3,4,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ament and Bender et al in view of Buford et al. (U.S. Patent No. 5,945,948).

Referring to claims 3 and 12, Ament and Bender et al teach the limitations of claims 3 and 12, but do not teach wherein the service request is autonomous and generated at a predefined moment in time. Buford et al. teaches wherein the service request is autonomous and generated

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at a predefined moment in time (Column 17, Lines 63-65). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ament and Bender et al with the teaching of Buford et al. wherein the service request is autonomous and generated at a predefined moment in time to automatically send new access requests when requests are not received (Column 17, Lines 63-65)

Referring to claims 4 and 13, Buford et al. further teaches wherein the predefined moment in time comprises at least one of a periodic (Column 17, Lines 63-65) and an aperiodic instant.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bender et al. U.S. Patent Publication No. 2002/0052204 discloses method and apparatus for rapid assignment of a traffic channel in digital cellular communication systems.

Belostotsky et al. U.S. Patent Publication No. 2002/0052205 discloses quality of service scheduling for a broadcasting wireless access system.

Pekonen et al. U.S. Patent Publication No. 2004/0190469 discloses wireless data communications.

Shin et al. U.S. Patent No. 6,198,946 discloses firmware upgrade method for wireless communications device, and method for supporting firmware upgrade by base station.

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Siren U.S. Patent Publication No. 2002/0006801 discloses resource allocation and service providing over a wireless network.


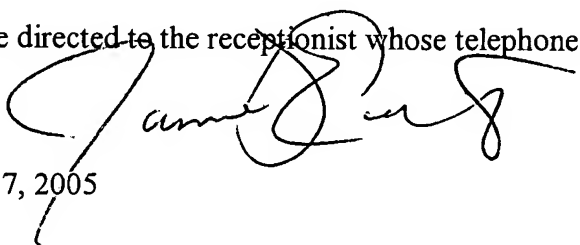
Vogel et al. U.S. Patent Publication No. 2005/0054300 discloses wireless network monitoring.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.

Ewart  
August 17, 2005



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600